



Town of Camden
Minutes of the Select Board Meeting
August 7, 2012
6:30pm

PRESENT: Chairperson Martin Cates, John French, Jr., James Heard, Leonard Lookner, Donald White, and Town Manager Finnigan. Also present were members of the press and public.

1. **Call to Order**
2. **Citizen Comments**

There were no citizen comments so the Chair opened the floor to Board comments.

Donald White offered congratulations to Dan Bookham on a successful career as the Executive Director of the Chamber of Commerce and thanked him for his work in leading the merger of the Rockland and Camden area chambers. White said that he would like the Board to consider sending Dan an appreciation letter signed by the Select Board and suggested that that Town Manager Finnigan might draft a letter.

White also reported that the Midcoast Bus Committee had met and that the Transit Study RFP is in the process of becoming finalized. The four community representatives from Camden, Rockport, Rockland and Thomaston agreed to approach their respective towns to seek the local match. The project that will funnel through Coastal Trans will be for approximately \$60,000 of which the local match will be about \$1,700 per town.

Leonard Lookner noted that an article had appeared on Village Soup quoting him as comparing the grant opportunity that had been considered at the last meeting to "a welfare project." Lookner said there had been many comments posted in response to this article, and that it had touched a nerve in the community that the Board should be aware of.

Lookner also made note of the fact that the faux brick that had been painted on Route 90 at the entrance to the High School had worn off, and that we should take a close look to see if that's how we want our downtown painted. John French added that the paint had also worn off the faux brick traffic island in Damariscotta.

James Heard reported that at the recent Harbor Committee meeting they discussed the bathrooms and showers at the public landing. Heard also reported that the pump-out boat was out for repair and is soon to be back.

Heard told the group that on five instances recently, cars had been stolen and taken for rides in the local area. His wife's car had been stolen and was found later in the Knox Mill lot. He said he would like to see the police department have a more visible presence throughout the town by having a foot patrol.

Chairperson Cates responded to Lookner's earlier comment regarding the grant that there

is another point of view in our community, and that many citizens hold the opinion that a grant opportunity is a way to have our own tax money re-invested back into our town.

3. Communications, Presentations, and Recognitions

There were no presentations scheduled for this meeting. Donald White invited Chief Farley to come forward and give the Board an update on progress regarding the new fire truck. Chief Farley reported on the trip that two members of the department had made to the factory on July 24th and 25th and that the new fire truck is projected to be completed as scheduled.

4. Approval of Board Minutes of July 31, 2012

Donald White made a motion to accept the minutes of the July 31st meeting as presented. The motion was seconded by Leonard Lookner. It was approved unanimously.

5. Select Board Member Reports

Donald White reported that at the Planning Board meeting of August 2nd they had voted to move forward two zoning ordinance changes, one having to do with the Signs Ordinance the other with Nonconformance. The proposed changes are likely to appear on the Select Board agenda on August 21, White said.

6. Town Manager Report

The Town Manager told the Board that six people from the Maine Downtown Center had visited Camden on August 6th. They had been hosted by members of the Downtown Network Board, some Select Board members, and other citizens, she said. Finnigan told that Board that the Executive Director of the Maine Downtown Center was impressed with the level of progress that Camden had made and that they will be looking at moving our town along to the next tier sooner rather than later.

The Town Manager reported that Senator Susan Collins had informed the Town that Camden had received a \$2500 grant from the National Endowment for Humanities to present America's Music programming. The grant had been submitted in collaboration with the Camden Public Library and Bay Chamber Concerts. Finnigan said the project will feature a combination of film, music and lectures to tell the history of American Music.

7. Old Business

A. Smokestack Grill – Report to the Board regarding Special Amusement Permit Requirements

Zach Cohn of the Smokestack Grill attended the meeting to provide a status report regarding whether he had complied with the requirements of his Special Amusement permit. He told the Board that the sound deadening curtains he committed to erect had come in and he had been using the decibel meter. He reviewed the decibel levels he had measured at various spots both inside and outside of the restaurant.

John French asked Cohn if the sound deadening curtains had been installed or tried out yet.

Cohn said they had not. Chairperson Cates asked Cohn when he planned to try the curtains. Cohn responded that there are no bands scheduled to appear at the Smokestack and that he will test out the curtains when a band is scheduled.

French asked Chief Farley to come forward and describe an incident that had taken place the previous Saturday night at the Smokestack Grill. Farley said that an alarm had gone off just after midnight and that they were dispatched to 43 Mechanic Street, the building that houses the Smokestack Grill. Farley said that the alarms were going off and that at the time it was not known what was causing them to go off. The Chief reported that there were approximately 40-50 people on the patio at the Smokestack when the fire department arrived, and that the Smokestack patrons did not leave when they were asked to clear the building. Farley said he was shocked that the people at the Smokestack would not leave the establishment and that it was extremely difficult to get them to evacuate the premises. The source of the alarm may have been the DJ's smoke machine, the Chief said.

John French noted that this could have been a serious fire and that the patrons should have been out of the building. Cohn said that the employees had been spoken to following the incident.

Donald White made a suggestion regarding the sound meter that while several places inside and outside the bar had been tested, Cohn had not yet tested the levels at the Snyder's condominium.

Police Chief Gagne gave details of recent noise complaints and measurements that had been taken when the complaints came in. He concluded by suggesting that the sound-deadening curtains be installed at the Smokestack.

Cohn said he felt the curtains did not need to be used since measurements and readings were at a tolerable level.

Richard Snyder, a resident of the Knox Mill Condominiums, reported that he and his wife continue to have trouble sleeping; that it's not just when live bands are playing, but at other times when music is being provided by a DJ, and that it's not just weekends. He said that they had been living with this issue for 13 months, that it had been over two months since the last meeting and that they were still experiencing the same problems.

Select Board members asked Cohn to use the curtains and Cohn said he would put them up the following Friday when a DJ would be playing.

Carolyn Snyder spoke to the Board and said she will have difficulty hosting company at her home due to the noise.

John French asked the residents if they had known there was a bar in the building when they bought their condominium. They said that they were not aware there was a bar there.

The Board went into deliberations on this issue. French said that Cohn has a right to do business there and hoped that he will continue to make every effort to help the noise problem. Lookner pointed out that the comprehensive plan is encouraging residential use of the downtown but that this is difficult if we have no ordinance by which to measure noise. James Heard addressed his comments to Cohn, saying that since Cohn had made the

investment in the sound-deadening curtains, the only way we will know if they work is if he uses them.

Martin Cates said that it was very unfortunate that the Knox Mill condominium owners did not know the bar existed when they bought their units. He said that the Board had discussed the right of businesses to exist and expressed a concern about setting a precedent by telling businesses how to operate. Cates said that their job at that time was to come to a decision on whether or not the conditions of the Special Amusement permit had been met.

Donald White said that once the curtains go up we'll have an answer as to whether they work or not and that at that point Cohn will have met the terms and conditions for the Special Amusement Permit. White suggested that Cohn should be asked to put up the curtains and then be asked to come back to the Select Board meeting on August 21st to report back.

John French suggested that while Cohn had fulfilled a portion of the earlier agreement by purchasing equipment to address the noise issue, he still needed to install the curtains. He added that the decibel level at the Snyder's condominium unit needs to be measured. French also asked that Cohn inform the police department of when the curtains would be used so that an officer can be on hand to provide a third party assessment.

John French made a motion that he feels Zach Cohn of the Smokestack Grill has met the conditions required by the Board for his special amusement permit, however he would like the sound mats installed one night over the next weekend (8/10 or 8/11), have police go to Snyder's residence to observe the noise and then move on from there. Donald White seconded the motion. It was passed by a vote of 4-0-1 (Lookner abstaining). Lookner abstained because he was not part of the Board when these discussions began.

B. Request that the Five Town CSD review its policies regarding community use of Strom Auditorium

Donald White made a motion that the Board sign the letter that had been drafted by the Town Manager and send it to the Chair of the Fivetown CSD School Board. John French seconded the motion. It was approved unanimously.

C. Authorize issuance of an FY13 Tax Anticipation Note in an amount up to \$1.5 million

Donald White made a motion to approve the Proposed Vote as prepared by the Town's Bond Counsel. John French seconded the motion. It was unanimously approved.

8. New Business

A. Authorize the Town Manager to Accept State funding for Road Improvements through the Urban-Rural Initiative Program

Donald White made a motion to authorize the Town Manager to submit the application to receive Urban-Rural Initiative Program. Leonard Lookner seconded the motion. It was unanimously approved.

B. Request the Town Manager to Present Cost Estimates for Design and Construction of Public Showers at the Public Landing

Leonard Lookner spoke to the Board about the fact that unlike many towns along the coast, we do not provide showers for boaters who come into our Public Landing. He added that we should also make the bathrooms more welcoming. There was discussion on potential challenges in the area of supervision and cleaning of the facility. There was also discussion on being careful not to compete with neighboring businesses for these services.

Donald White said he would like this matter to go through those who've been working on the Downtown Master Plan as well as the Harbor Committee and/or Parks and Recreation before the Select Board takes steps to obtain cost estimates. White also noted that there may be other work on the Public Landing in conjunction with the downtown improvements grant, so it may be possible that bathroom facility improvements could be incorporated. James Heard noted that the topic of pay showers is under consideration by the Harbor Committee.

John French made a motion that the Town Manager, along with the Harbor Committee, develop recommendations for how a public shower facility could be constructed and maintained, with the Harbor Committee to gather bid numbers. Donald White seconded the motion. It was unanimously approved.

C. Appointments to Select Board Committees

The Town Manager had recommended one change to the list of Select Board Committees: that the Investment Committee be comprised of the entire Select Board rather than just two members. The Board discussed the list and the proposed change and approved the appointments as presented.

D. Confirm Appointment of the Inner Harbor Master

John French made a motion to table the appointment of the Inner Harbor Master until the appropriate background material is available. Donald White seconded the motion. It was unanimously approved.

E. Submit Ballot to Elect Maine Municipal Association Executive Committee Officers: Vice President and Three Directors

John French made a motion to cast a ballot for the MMA Executive Committee: Peter Nielsen, Town Manager of Oakland, to serve as Vice President, and John Butler, Lewiston City Councilor, Marianne Moore, Calais City Councilor, and Michael Crooker Town Manager of Glenburn to serve as Directors. Leonard Lookner seconded the motion. It was unanimously approved.

9. Select Board Closing Comments

There were no closing comments.

Adjourn

Donald White made a motion to adjourn the meeting of the Select Board and reconvene as Board of Assessors. John French seconded this motion. The motion passed unanimously.

A. Request for Abatements and Supplemental Tax Assessments

The items under consideration were as follows:

- 1) Granting abatement in the amount of \$37.83 to Camden Cotton Company due to error.
- 2) Granting an abatement in the amount of \$59.22 to Camden Cotton Garden due to error.
- 3) Approving a supplemental assessment to Cotton Garden of Camden in the amount of \$4,840, with a tax amount of \$65.15 dues to error.

John French made a motion to approve the abatements and the assessment as listed. Donald White seconded this motion. The motion passed unanimously.

Adjourn

John French made a motion to adjourn the meeting of the Board of Assessors. Donald White seconded this motion. The motion passed unanimously and the meeting adjourned at 8pm.

Respectfully submitted,

Karen Brace
Recording Secretary